

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

**USDC-SDNY
DOCUMENT
ELECTRONICALLY FILED
DOC#:
DATE FILED: 01/27/2021**

UNITED STATES OF AMERICA,

v.

JORGE PARRA,

Defendant.

No. 13-CR-784 (RA)

ORDER


RONNIE ABRAMS, United States District Judge:

The Court is in receipt of the attached letter from Mr. Parra, dated January 11, 2021 and mailed to chambers. The Government is directed to contact the Bureau of Prisons regarding the conditions described in the letter, and to respond to the letter no later than February 12, 2021.

The Clerk of Court is respectfully directed to mail a copy of this order to Mr. Parra.

SO ORDERED.

Dated: January 27, 2021
New York, New York



Ronnie Abrams
United States District Judge

" Jorge Parra
 Defendant pro se
 Reg. No. 68645054
 FCI Schuylkill
 PO Box 759
 Minersville, PA 17954

January 11, 2021

Honorable Ronnie Abrams
 United States District Judge
 Southern District of New York
 United States Courthouse
 500 Pearl Street
 New York, New York 10007

RE: United States v. Jorge Parra
 13 Cr-784 (RA)

Dear Judge Abrams

In July of 2020 attorney Mark B. Gambiner of the Federal Defender of New York, Inc., filed a motion on my behalf with this court pursuant to Title 18 U.S.C. § 3582(c)(2)(A) asking the Court for a reduction of sentence due to my medical conditions and the high risk that I contract Covid-19. I could become severely ill or worse. In the government's response they had conceded to my serious and on going medical conditions which only decline as I age. This court denied my request for a reduction of sentence. I believe based on my criminal history. I am unsure because to date I have not received such denial. I am writing this letter asking the court to reappoint counsel to refute a new Compassionate Release motion based upon new issues arising at this prison. On December 8th 2020 FCI Schuylkill was placed on lockdown/quarantine due to the coronavirus spreading like wildfire in the prison. Although when my attorney originally filed my 3582 motion in July 2020, there was only one confirmed case. On Dec 17, 2020 there were 149 confirmed cases including myself. As one district court in Pennsylvania noted "Covid-19 rates are on the rise at FCI Schuylkill." United States v. Way, 2020 WL 7397796, at *2 (E.D. PA Dec 17, 2020)

and in just 11 days since then, that number jumped to 24 confirmed cases making FCI Schuylkill the 8th most infected of BOP's 249 facilities. See <https://www.bop.gov/coronavirus> (visited Dec 28, 2020). To make matters worse, I continue to complain to medical that I felt sick, but they refused to test me until I had a fever. On 12/16/2020 the medical staff tested 8 inmates, 2 in each cell, for Covid-19. The following day I was told by medical staff I tested positive. Since then medical staff came to my door and gave me Tylenol. I have seen no one since. (See medical letters and follow up chart) They gave me no literature to read on what to expect what to do if I felt worse. On night I asked the unit officer to contact medical for me because I was having trouble breathing and was told after 10:00pm there is no medical personnel in the building. I've written several letters to medical complaining and have been ignored. I went as far as to make a formal complaint in way of a BPB with some concerns with medical and to this date have not received any response or acknowledgment of receipt. On Dec 21, 2020 I submitted a request for Compassionate Release directly to the Warden. On Jan 4, 2021 I inquired as to the status to my unit case worker was told by her that it wasn't received and not to bother submitting my copy because "it will not be processed" which I found very troubling. The medical staff ignores everyone. One of my complaints was the medical staff go from cell to cell touching other inmates as they tested the entire unit for Covid-19 on Dec 28, 2020, and never once changed their gloves. It appears to me that they are trying to spread the virus among inmates (see enclosed letter to Health Services). The staff do not follow their own BOP Coronavirus Disease 2019 (Covid-19) Inmate Screening. It specifically tells medical staff to change gloves, place surgical mask on the patient, escort patient to a certified Airborne Infection Isolation (AII) room. If there is no AII room available, isolate in a room with door closed and preferable air is exhausted outside. They are supposed to double bag trash as hazardous waste and do the same with the laundry. To my knowledge minimal precautions are being taken. My laundry has been placed with the entire unit's laundry. The trash is left in my cell for days with 6 food trays piled up each day, until trash is picked up, attracting roaches and rats. The unit is in Quarantine, yet two inmates are out delivering food trays, collecting and distributing laundry, and collecting trash once a day or every other day. These inmates come in contact with every other inmate. Again possibly helping spread the virus. The ventilation system in each cell is connected. I am able to speak with my neighbor and see his face through the vent, so it is possible the virus is spread through the inadequate ventilation system. Most of the infected inmates in my unit that are infected are in the same range as I including my neighbor. One inmate, on 12/21/20 was unresponsive and already confirmed to have Covid-19. It took medical staff 30 minutes to respond after alerted by the officer. This aforementioned inmate Mr. Degraffenreid almost died he was already on a breathing apparatus due to his sleep apnea condition. I also suffer from Mr. Degraffenreid was pale

and sent to an outside hospital. When medical did arrive they appeared to be unprepared to say the least. Being an inmate locked in a cell with a short time remaining in my sentence whom has a concerned family infected with Covid-19 seeing this and experiencing all of the callous and inhumane treatment has caused a tremendous strain and dishearten the spirit. For those sworn to protect and care custody and control, help my rehabilitation and be part of my life line failing to do such is crushing and all a violation of employer conduct. Another inmate Ronald Mallay was seen by a Lieutenant and 2 night shift guards on 01/02/2021 was sick and incoherent, he did not know his own name, his cell mate pressed for distress button. It was near midnight and there were no medical staff he was seen by the aforementioned Lieutenant and 2 others guards. All they did was question his cell mate as to what type of drugs he was smoking. Mr Mallay is 74 yr old. They left him in that condition. He has many health ailments, one being diabetes. His cellmate had him eat some sugar items and eventually fell asleep. In the morning the medic who does p.m. line brought Mr. Mallay his insulin checked his blood sugar and found it was dangerously low. To save money from having to utilize escort officers to take Mr. Mallay to an outside hospital, they'd rather lock him in his cell if not for the intervention of his cell mate. He would've died.

FCI Schuykill has already been flagged for its "extremely poor medical care." United States v. Crowell, 2020 WL 4734341, at *2 (D.R.I. Aug 14th, 2020) (ordering release of inmate at FCI Schuykill where medical staff had "misdiagnosed [him] with syphilis despite his repeated assertions that he had lupus" and, "for over a year, [I] treated him for the wrong disease.") Could you imagine for one year taking medication for syphilis after alerting the medical staff numerous times you had been diagnosed with Lupus. Dr. Mace and Warden Finley were ordered by the court to send Mr. Crowell to a specialist in which they never did and "LIED" to the court. In return, the Court released Mr. Crowell. I lived in the unit with him and watched the medical neglect his medical conditions. The same thing they continue to do to me and my request to be seen by a Neurologist after my terrifying work related electrocution in Aug 2019 which the court is aware of.

I have been locked down for over one month now and the prison held the mail for over 2 weeks. So no one could alert family or their lawyers or the courts as to what was really going on here. I have been unable to alert my family or receive mail due to these tactics.

When this court revoked my supervised release and sentenced me to a 60 months violation, I had no idea I would be living under these dangerous and harsh conditions of confinement. In the past 10 months I have experienced a heightened

deprivation and unexpectedly punishing prison conditions to include contracting a deadly virus which left me in fear of dying in a cold cell with no competent medical assistance. This is the 2nd time in this incarceration that I feared for my life along with the electrocution incident.

At least if I was at home I could go to a hospital and know there are competent health care workers within reach. No one will ever know what us inmates are experiencing locked in this dungeon with a deadly virus running through its corridors.

As Judge Paul Engelmeyer so rightly worded it in *United States v. Lizardy*, 2020 U.S. Dist. Lexis 188147 (S.D.N.Y. Oct. 9, 2020): "A day spent in prison under extreme lock down and in a legitimate fear of contracting a once in a century deadly virus exacts a price on a prisoner beyond that imposed by an ordinary day in prison. While such conditions are not intended as punishment, incarceration in such circumstances is unavoidable experienced as more punishment. The pandemic aside from posing a threat to a defendant's health, has made a defendant's incarceration harsher and more punitive than otherwise have been the case." Because of these harsh and dangerous conditions of my confinement, issues not previously raised in my last motion for a reduction of sentence, I believe in good faith that a reduction of this notation sentence at this time is warranted. It is now apparently safer for me to be placed under home confinement or back on supervised release as this court deem fit. I have been suffering from effects of being electrocuted previously and now from Covid-19 and medical staff continues to ignore me and my medical needs. They are not equipped to handle hundreds of infected inmates which is obvious now. In addition the courts are aware that there is no way to social distance in a prison setting. Releasing inmates like myself who are on a violation or with short time lowers the population, which protects both staff and inmates.

There is another strain already loose in the United States and I can get reinfected and are already experiencing additional side effects from the virus. Given the explosion of Covid-19 at FCI Schuylkill, the notable poor medical care here, the terror that I have been experiencing and the sickness, I am asking this court to appoint counsel again to resubmit for my immediate release or a downward departure due to these harsh and dangerous conditions of confinement as well as obtain my medical and psychology service records, since my attempts have been ignored. In the least, I ask the court to appoint counsel and hold a video hearing to allow me to present these claims to the court and any additional claims. Or in the interest of justice to protect my health and life order my immediate release to home confinement. I could not get copies since I am quarantined so I was unable to send a copy to the government.

Respectfully Submitted
George Parra 68245-024

To: Health Service
From: Jorge Parra #68645-054
Date: December 20, 2020

I was told several days ago my sickness is because I've tested positive for Covid-19. Since then I have seen no one in regards to the virus. No one checked my temperature or have provided me with any literature as to what I should expect or what to do if I feel a certain way.

Last night I had trouble breathing and was told that there was no medical staff in the building after 10pm. I would have to wait until the morning. I continue to feel weak, tired, nauseous, cold & hot chills, pain in my body, headaches and shaking. I would appreciate if someone checked on me to check my vital statistics. I feel as if I am dying.

To: Health Service
From: Jorge Parra #68645054
Date: Dec 28th, 2020

I have requested to see medical staff on several occasions. I continue to feel fatigued get headaches off and on throughout the day. I can not fall asleep long. My body begins shaking at all different times of the day. Since the tested positive medical staff has ignored me.

Earlier today the tested the entire unit for Covid-19. I watched the staff snub many inmates and not one time did he ever change his gloves. This is a serious hazard that needs to be addressed. It appears that staff is taking to spread the virus.

Please send someone to see me and to speak to staff about protective procedures like changing their gloves between patients.

Institution: **FCI Schuylkill**

Quarters: **C06-108L**

AM	12/16/20	12/17/20	12/18/20	12/19/20	12/20/20	12/21/20	12/22/20
Fever/Temperature	98.2						
Cough	—						
Shortness of Breath	—						
Asymptomatic	4						

AM	12/23/20	12/24/20	12/25/20	12/26/20	12/27/20	12/28/20	12/29/20
Fever/Temperature							
Cough							
Shortness of Breath							
Asymptomatic							

To Warden Finley
FBI Schuylkill
From: Jorge Parra 68645054
Unit 3B

Date Dec 21, 2020
Re: Compassionate Release

Dear Warden Finley

This is a formal request asking your office for Compassionate Release pursuant to 18 U.S.C. § 3582(c)(1)(A) under the First Step Act of 2018, and the Coronavirus Aid, Relief, and Economic Security Act (the CARES Act) Section 12003(b)(2). In light of the urgent and unprecedented Covid-19 crisis consuming the nation and this facility, most importantly the fact that I have tested positive for the virus.

I write to respectfully request your office to file a motion with the district court for the Southern District of New York asking to grant me Compassionate Release and directing my immediate release from B.O.P. Custody to home confinement.

It is a fact that medical is not equipped to handle this outbreak. On 12/16/2020 I was tested and was told I was positive for Covid-19 on 12/17/2020. I was told nothing can be done beside monitor it's progress or lack of. I was only checked on 12/18/2020 because of my complaints of trouble breathing. I have yet to receive any follow-up treatment.

Title 18 of the United States Code 3582(c)(1)(A) allows a sentencing court, on motion of the Director of B.O.P. to reduce a term of imprisonment for extraordinary or compelling reasons. I believe that me contracting Covid-19 despite B.O.P. "extraordinary" measures to contain the spread of Covid-19 and the attempts of treating affected inmates as myself is in itself extraordinary and compelling reason to grant me Compassionate Release. Today the urgency of facilitating my release can't be understated.

Yours for your time and consideration

Respectfully submitted
Jorge Parra 68645054

REGAL MAIL

Mailed from
Federal Correctional Institution
Schuylkill, PA

P.O. Box 759
Mimersville, PA 17954-0759

June 2016 68645-054
Federal Correctional Institution Schuylkill

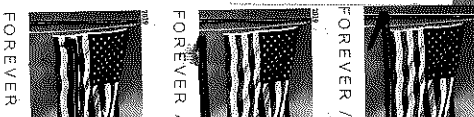
7007 0220 0001 7901 8572



CERTIFIED MAIL

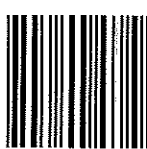
PLACE STICKER IN WINDOW OF THE RETURN ADDRESS TO OBTAIN POSTAGE PAID

TO: *Charles R. Thomas*
United States District Court
Southern District Court
500 Pearl Street
New York, NY 10007



\$0.00

U.S. POSTAGE PAID
FCM LETTER
MIMERSVILLE, PA
JAN 13, 21
R2305K141057-10



10007\$1.330

